REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-53 are pending in this application.

Rejections under 35 U.S.C. §102

Claims 1, 2, 7-10, 12-16, 21, 22, 27-31, 33-37, 42, 44-46, 48 and 49 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Pat. Publ. No. 2004/0132457 to Sanders et al. Applicant respectfully traverses these rejections.

In response, independent claim 1 has been further limited to "determining whether any FCCH correlation peak of the set satisfies a certain detection threshold and, if not, then repeating at least some of steps a) to d)." Independent claims 21 and 42 have been similarly limited. Support for the use of a threshold with a desired level of certainty may be found on page 12, lines 1-7 and page 13, lines 6-11 and in FIG. 1A of the specification.

Claims 1, 2, 7-10, 12-16, 21, 22, 27-31, 33-37, 42, 44-46, 48 and 49 are now clearly differentiated over Sanders et al. For example, if the FCCS correlation peaks do not satisfy a first certain threshold, measured by a

FCCH detection threshold, then the set of FCCH correlation peaks are discarded and the process continues. If the set of FCCS correlation peaks satisfy the first threshold, but not a second certain threshold measured by a SCH detection threshold, then the set of FCCH correlation peaks are saved, but the receiving and correlating of sets of FCCH detection peaks continues. In either case, the use of one or both of the thresholds reduces the processing load of the signal processing analyzer.

In contrast, under Sanders et al., "To detect the FCCH, 89 bursts of data are recorded, thereby ensuring that the FCB is detected" (Sanders et al., par. [0053]). From the bursts of Sander et al. data, "A large set of these samples may be combined with header information to create a snapshot" (Sanders et al., par. [0073]). Further, "In order to determine color code, however, it is preferable to determine the exact timeslot format . . . determined by correlating the snapshot against the FCCH burst and the SYNCH training sequence" (Sanders et al., par. [0079]).

Since Sanders et al. collects 89 bursts of data and correlates the data against the FCCH burst and SYNCH traning sequence, there is no "determining whether any FCCH correlation peak of the set satisfies a certain detection threshold and, if not, then repeating at least some of

steps a) to d)." Since Sanders et al. processes all data instead of only data where the FCCH correlation peak satisfies a certain threshold, Sanders et al. does not do the same or any similar thing as that of the claimed invention. Since Sanders et al. does not do the same as or any similar thing as that of the claimed invention, the rejections are improper and should be withdrawn.

Rejections under 35 U.S.C. §103

Claims 3, 4, 6, 11, 17-20, 23, 24, 26, 32, 38-41, 43, 47 and 50-53 stand rejected under 35 U.S.C. §103(a) as being obvious over Sanders et al. in view of U.S. Pat. No. 6,349,207 to Monot et al. Applicant respectfully traverses this rejection.

It may be noted that Monot et al., as with Sanders et al., fails to provide any teaching or suggestion of the method step (or apparatus for) "determining whether any FCCH correlation peak of the set satisfies a certain detection threshold and, if not, then repeating at least some of steps a) to d)." As such, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Claims 5 and 25 stand rejected under 35 U.S.C. §103(a) as being obvious over Sanders et al. in view of Monot et al. and U.S. Pat. Appl. Publ. No. 2001/0016490 to Martin-Leon et al. Applicant respectfully traverses this rejection.

It may be noted that Martin-Leon et al., as with Sanders et al. and Monot et al., fails to provide any teaching or suggestion of the method step (or apparatus for) "determining whether any FCCH correlation peak of the set satisfies a certain detection threshold and, if not, then repeating at least some of steps a) to d)." As such, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.
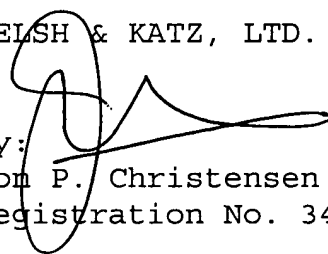
Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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